

and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the labels and branding on the cans were false and misleading, and the said cans were so labeled and branded as to deceive and mislead the purchaser thereof, the contents of said cans not being pure canned tomatoes as the label was calculated to, and did in fact, induce the purchaser thereof to believe, but, in truth and in fact, the cans contained 31.8 per cent of added water, and did not contain what was represented by the labels thereon.

On December 9, 1918, the said Sunbright Canning Co., having filed a claim for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the amount of added water.

E. D. BALL, *Acting Secretary of Agriculture.*

6957. Adulteration and misbranding of Cacapon Healing Water. U. S. * * * v. 6 Barrels and 40 Kegs of Cacapon Healing Water. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9453. I. S. Nos. 15357-r, 15358-r. S. No. E-1157.)

On November 15, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District holding a District Court a libel for the seizure and condemnation of 6 barrels and 40 kegs of Cacapon Healing Water, at Washington, D. C., consigned on or about October 9, 1918, and October 10, 1918, alleging that the article had been shipped by the Capon Springs Co., Capon Springs, W. Va., and transported from the State of West Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. On February 6, 1919, an amendment to the libel was filed upon motion of the libellant.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

Misbranding of the article was alleged in the amendment to the libel for the reason that said barrels and kegs bore statements, designs, and devices regarding the therapeutic and curative effects of the article contained therein, to wit, "For over two centuries leading physicians * * * To be 100% efficient, drink Cacapon Healing Water Prescribed by Prominent Physicians for Bright's Disease Kidney Troubles * * * Tonic, Alterative and Diuretic. Has Cured for Centuries Capon Springs Co., Capon Springs, W. Va." (Stamped in red on label) "506292 10-29-18" (Typewritten label) "From Capon Springs Co., Capon Springs, W. Va., Cacapon Co., of Washington, D. C., 1311 and 1313 H St., N. W., * * * for many diseases, including some thought incurable * * * 100% efficient * * * Cacapon Healing Water * * * for Bright's Disease, Kidney Troubles, Indigestion, Diabetes, Calculi, Rheumatism, Women's Diseases, Stomach Troubles, Dyspepsia, Uric Acid, Gout, Urethral and Uterine Troubles * * * Tonic, Alterative * * * Has cured for centuries (Testimonial of Dr. Thomas A. Ashby) * * * rheumatic gout, syphilitic rheumatism, and chronic inflammation," which were false and fraudulent in that they indicated to purchasers thereof, and created in the minds of the purchasers thereof, the impression and belief that the article was effective as a healing water, and as a treatment and cure for, when, in fact, it was not effective as a

healing water, and was not effective as a treatment and cure for Bright's disease, kidney troubles, indigestion, diabetes, calculi, rheumatism, women's diseases, stomach trouble, dyspepsia, uric acid, gout, urethral and uterine troubles, syphilitic rheumatism, and chronic inflammation, and which said statements, designs, and devices were made with a knowledge of their falsity and in reckless and wanton disregard of their truth and [or] falsity, so as to mislead and deceive purchasers thereof.

On April 17, 1919, the Cacapon Co., Washington, D. C., claimant, having theretofore entered its appearance, but no answer to the libel or to the amendment thereto having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said company should pay the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

6958. Adulteration of catsup. U. S. * * * v. 400 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9454. I. S. No. 10801-r. S. No. C-1008.)

On November 15, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases, each containing 24 bottles of catsup, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about December 22, 1917, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Royal Red Tomato Catsup Prepared by the Frazier Packing Co. Elwood, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance so packed and mixed therewith as to injure, lower, and affect its quality, purity, and strength.

On May 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

6959. Adulteration and misbranding of olive oil. U. S. * * * v. Nicholas D. Lyriotakis and Michael D. Lyriotakis (Lyriotakis Bros.). Pleas of guilty. Fine, \$100. (F. & D. No. 9589. I. S. Nos. 13331-r, 13708-r.)

On July 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas D. Lyriotakis and Michael D. Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on June 22, 1918, and July 12, 1918, from the State of New York into the States of Connecticut and Pennsylvania, respectively, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part, "Qualita Superiore * * * Olio Puro Garantito."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of June 22.	Shipment of July 12.
Net contents (gallon)-----	0.967	0.941
Halpen test for cottonseed oil: Positive.		